



The California Performance Review: Creating the first 21st Century Government in America

Testimony by Sheriff Laurie Smith
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Commission Members, it is an honor to serve on the CPR's Homeland Security and Public Safety Expert Witness Panel.

The Goal of the California Performance Review is to restructure, reorganize and reform State Government in order to be more responsive to the needs of its citizens and business community.

I believe in this area of Homeland Security and Public Safety our responsibility here is beyond evaluating efficiencies. In public safety we not only have increased risks but we also have different and greater threats.

As we saw on the federal level, organizational and structural failings contributed to the loss of lives.

We have the opportunity to make some dramatic changes in public safety and I applaud the courage of Governor Schwarzenegger, members of this Commission and all others who were involved in this comprehensive review.

We can make these dramatic and positive changes in public safety only if we are willing to change the way we think and we are willing to change what we've become. The public has already changed how they think.

- Years ago, if a person had received news of a plane crash they would have wondered what the plane hit or what type of mechanical malfunction had occurred. Now, they immediately think of terrorist attack. The public has changed their thinking.
- We have to be willing to change the way we think.

For example, there are four phases that provide the framework for the State's emergency management activities and the Office of Emergency Service's mission. Those phases are Preparedness, Response, Recovery and Mitigation.

The term mitigation has many different definitions in State publications. Most think mitigation means: building codes for earthquake-resistant construction, installing smoke detectors and elevating structures in flood areas. All of these are intended to mitigate or prevent the catastrophic effects of an incident.

The State of California Multi-Hazard Mitigation Plan, dated July 1, 2004, defines the term mitigation as to, "...reduce or prevent injury and damage from natural hazards in the State."

But, mitigation is not only for natural hazards.

The definition I find most useful is, “Hazard mitigation is defined as any action which seeks to reduce or eliminate the long-term risk to people or property.”

We have to change our thinking. Mitigation must also include law enforcement’s actions that prevent terrorist attacks and law enforcement’s actions that protect people and property.

- We have to be willing to change what we have become.

I was surprised to read in the report that peace officers from the Department of Alcohol Beverage Control are assigned to the “California Anti-terrorism Task Force, the Federal Bureau of Investigation’s Joint Terrorism Task Force and the U.S. Homeland Security Task Force.”

The reason I was surprised is because these assignments are not in alignment with their adopted mission statement that identifies their role as “...to administer the provisions of the Alcoholic Beverage Control Act...”

We have to be willing to change what we have become or realign the role and responsibilities of the entity.

Although I agree that there is a need to create a Department of Public Safety and Homeland Security, I believe that there needs to be a more in-depth analysis. This new Department should not be created by merely moving the “boxes” or changing the State’s organizational chart.

I would like to interject a caveat. I understand that there have been some highly experienced people that have dedicated their time to this report and the report is excellent. My comments are only based on the written report, not the research and work product developed by your staff.

Based on a review of the report, I believe there needs to more consideration given to the proposed organizational structure.

The organizational structure lacks clarity in areas that include the following:

- The organizational chart is in conflict with the report narrative.
- Functions in the narrative are missing from the organizational chart.
- There is duplicative placement of functions in the organizational chart.
- There is no defined command structure.
- Agencies are not appropriately grouped based on functions.
- The organizational chart is confusing.

But more importantly, there are structural problems.

The only way to correct the structural problems is to begin with the basics. The way to create an organization is not by merely moving “boxes.”

The first step is that terms need to be defined and standardized. There cannot be several different definitions or understanding of terms. The “mitigation” example showed the divergent definitions of just one word. The following are some of the terms that need to be clearly defined:

- Does the term “Homeland Security” only apply to terrorism and law enforcement actions or does it include natural disaster?
- Does Emergency Management apply to criminal acts as well as natural disasters?

The second step is to delineate the State’s responsibility in Public Safety and Homeland Security. Some of the areas that should be explored include the following:

- What is the role and mission of the Department of Public Safety and Homeland Security?
- What are the State’s mandated functions?
- What are the State’s desirable roles?
- What are the gaps in service that are not being provided adequately?

The third step is to analyze each agency to be merged into the Department of Public Safety and Homeland Security, not for what they have become, but for their mission, purpose, role and responsibility. The A.B.C. example illustrated the duplication of efforts and the misalignment of roles. Each agency should be reviewed and the following should be considered:

- There must be a clear delineation of jurisdictions.
- There must be a definition of duties.
- There must be alignment between their mission and duties.
- There also needs to be an assessment of the value and quality of each service currently provided.

Once this evaluation process is completed there needs to be an elimination of duplication and an augmentation or realignment of functions to fill service gaps.

The fourth and final step is to develop a command and control structure that is designed around roles and responsibilities. Each agency must appropriately positioned within the Department of Public Safety and Homeland Security to best accomplish their respective missions and service quality. This service quality includes support to the communities and local government. But, the structure must be established in such a manner that best serves all of the Department of Public Safety and Homeland Security agencies and the entire State Government.

Working together we will be able to accomplish the Governor’s task as set forth in the California Performance Review process. This will result in public safety agencies being better prepared to provide for a safer California.

Thank you for the opportunity to address this Commission. I am available to provide any assistance you may require in the future to accomplish our mission.